



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.2835 of 2022

Saravanan

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Soramangalam Police Station
Soramangalam,
Salem District.
(Crime No.120 of 2019)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.118 of 2019 pending trial on the file of the Assistant Sessions Judge and Chief Judicial Magistrate, Salem (Crime No.120 of 2019 on the file of the Inspector of Police, Soramangalam Police Station, Soramangalam, Salem District)

For Petitioner : Mr.R.Murugabharathi

For Respondent : Ms.G.V.Kasthuri
(Additional Public Prosecutor)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 294(b), 307 of IPC in Crime No.120 of 2019, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 25.11.2021 pursuant to the non bailable warrant issued against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner had earlier granted bail and was regularly complying with the conditions. During pendency of the trial, the petitioner being a lorry driver, went to Maharashtra to unload Goods and due to



unexpected lockdown, he was not in a position to return to his native place and thereby, he could not attend the Court on 26.10.2021. Subsequently, the trial Court issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody 25.11.2021. He would further submit that the petitioner has been suffering incarceration for 75 days from 25.11.2021 and he is ready to appear before the trial Court regularly and to co-operate for the trial. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner did not appear before the trial Court and thereby, non bailable warrant was issued against the petitioner as a result of which, the petitioner is in incarceration from 25.11.2021 onwards. However, she fairly conceded that there is no previous case against the petitioner.

5. The submissions made by the learned Counsel on either side is considered.

6. The learned Additional Public Prosecutor does not dispute the fact that the petitioner is a professional lorry driver. Further, the case is now posted for examination of Investigating Officer before the trial Court. Considering the fact that due to the said circumstances, he held up in Maharashtra and could not appear before the trial and considering the antecedent of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

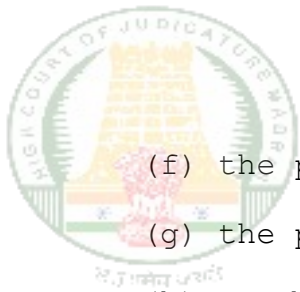
(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Assistant Sessions Judge and Chief Judicial Magistrate, Salem, Salem District, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the trial Court daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;



(f) the petitioner shall not abscond during trial;

(g) the petitioner shall not tamper with evidence during trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ASSISTANT SESSIONS JUDGE
AND CHIEF JUDICIAL MAGISTRATE,
SALEM, SALEM DISTRICT.

2 THE INSPECTOR OF POLICE,
SORAMANGALAM POLICE STATION,
SORAMANGALAM, SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.MURUGABHARATHI Advocate on payment of necessary charges SR.No.2049

CRL OP.2835/2022

Date :07/02/2022

CSK 08/02/2022